

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 97-301-E - ORDER NO. 98-533

JULY 9, 1998

IN RE: Hartsville H.M.A., Inc. and Carolina Power & Light Company,	)	ORDER <i>JMR</i>
	)	GRANTING
	)	REHEARING AND
Complainants,	)	RECONSIDERATION
	)	OF ORDER NO. 98-450
vs.	)	
	)	
Pee Dee Electric Cooperative, Inc.,	)	
	)	
Respondent.	)	
	)	
	)	

This matter was heard by the Public Service Commission of South Carolina (the Commission) to determine which electrical supplier, Carolina Power & Light (CP&L) or Pee Dee Electric Cooperative, Inc. (Pee Dee) should be permitted to provide electrical service to a hospital being constructed near the City of Hartsville by the Complainant, Hartsville H.M.A., Inc. (Hartsville). Hartsville and CP&L are the Complainants and Pee Dee is the Respondent.

At a meeting on June 16, 1998, the Commission voted by a four to three decision to issue an order to allow CP&L to serve Hartsville. Pursuant to the vote, a written order, Order No. 98-450, was issued on June 16, 1998. Pee Dee timely filed a Petition for Rehearing and/or Reconsideration on June 29, 1998. The Complainants filed written

objections and memoranda in opposition to the notice for rehearing and/or reconsideration.

On June 30, 1998, by a voice vote, the members of the Commission unanimously approved a resolution to deny the Petition for Rehearing. No written order was issued or filed pursuant to the vote on the resolution to deny the Petition for Rehearing, and the resolution therefore did not constitute a final decision under the rules and procedures of the Commission.

On July 7, 1998, the next scheduled meeting of the Commission, a motion was made to reconsider the resolution denying the motion for rehearing. Under generally accepted parliamentary procedure, a motion to reconsider may be made by a member who previously voted in favor of a resolution and who may move for its reconsideration. See Rules of the House of Representatives of South Carolina, Rule 8.14. The basis for the motion to reconsider was that the earlier vote to deny the Petition was based upon matters outside the record, i.e. alleged desires of persons residing in the geographical area involved when there was no evidence presented at the hearing in this regard, and upon the basis that the Commissioners had taken an erroneous view of the evidence and law pertaining to customer choice and equitable estoppel. Any prior Commission resolution, rule, decision, or directive which would prevent new Commissioners from voting on this matter was waived, suspended, and/or modified. After a discussion, the members present voted five in favor and one against to reconsider the earlier resolution and to grant the Petition of Pee Dee for Rehearing and/or Reconsideration, provided that Hartsville and CP&L should be given an opportunity at the rehearing, subject to the rules of the

Commission, to present any additional objections to the granting of the rehearing of this Order.

IT IS THEREFORE ORDERED THAT:

1. The Petition for Rehearing and/or Reconsideration of Order No. 98-450 is granted.
2. The rehearing shall be heard and determined by all members of the Commission as presently constituted.
3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Acting Executive Director

(SEAL)